

REMARKS

Claims 1-44 are pending in the application, and claims 16-41 have been withdrawn. In the office action dated January 21, 2005, the Examiner rejected claims 1-6, 10-13 and 42-44. Claims 7-9, 14 and 15 were objected to as containing allowable subject matter that depend on rejected base claims.

Applicants have amended claims 1,6, and 42. Applicants also have amended withdrawn claim 16 to correct a typographical error, placing it in order for allowance should the Examiner find its base claim generic and reinstate claim 16. The Examiner's comments and rejections are addressed in the order they were presented in the Office Action.

The 35 U.S.C. § 102 Rejection

The Examiner rejected claims 1-6, 10-11, 13, and 42-44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,454,763 ("Ikebuchi"). Applicants, however, respectfully traverse this rejection in light of the amendments.

Applicants have amended independent claims 1, 6, and 42 to recite a limitation of performing feedback control for the secondary shift portion based on a comparison of a change rate of a turbine speed and a secondary shift portion target change rate. Applicants also have amended these claims to recite a limitation of performing feedback control for the primary shift portion based on a comparison of a change rate of a difference between an input speed and an output speed of the primary shift portion and a primary shift portion target change rate. Support for these amendments can be found on Paragraphs [0082] to [0086] and FIG. 3B of the specification.

Ikebuchi teaches that a desired gear change is made through a first gear change mechanism and a second gear mechanism (col. 15, lines 4-5). The first gear change mechanism relates to a rate of change of a first input shaft rotational speed, which is a rate of change of the first gear change input shaft that affects the input from the first gear change mechanism (col. 15, lines 6-9). The second gear change mechanism relates to a rate of change of a second input shaft rotational speed, which is a rate of change of the follower gear that affects the input from the second gear change mechanism (col. 15, lines 9-12).

Feedback control in Ikebuchi is also related by the above variables. For instance, Ikebuchi teaches that feedback control is affected by a difference between the first rate of

change of rotational speed and a desired rate of change of rotational speed of the input shaft of the first gear change mechanism and a difference between the second rate of change of the rotational speed and a desired rate of change of rotational speed of the input shaft of the second gear change mechanism (col. 3, lines 22-60).

Regardless of how the Examiner corresponds the primary and secondary shift portions of the present invention with the parts disclosed in Ikebuchi, unlike claims 1, 6, and 42, Ikebuchi does not teach anything related to a comparison of a change rate, such as a comparison of a change rate of a difference between an input speed and an output speed of the primary shift portion and the primary shift portion target change rate or a comparison of a change rate of a turbine speed and the secondary shift portion target change rate. Ikebuchi also does not teach completing a shift of the primary shift portion, then completing a shift of the secondary shift portion, as recited by claims 1, 6, and 42 because it does not state anything about the completion and sequence of the shift portions. As a matter of fact Ikebuchi teaches that the desired gear change is accomplished by operating the first and second gear mechanisms simultaneously (col. 15, lines 4-6).

In light of the above, Ikebuchi does not anticipate independent claims 1, 6, and 42, as well as their dependents, claims 2-5, 10-11, 13, and 43-44. Therefore, Applicants respectfully request withdrawal of this rejection.

The 35 U.S.C. § 103 Rejection

The Examiner rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Ikebuchi in view of U.S. Patent No. 5,882,276 ("Usuki"). Applicants, however, respectfully traverse this rejection in light of the amendments.

Ikebuchi in view of Usuki does not teach each and every limitation of claim 12. As Applicants have discussed earlier, they have amended claim 6, which is the base claim that claim 10 depends as claim 12 depends on claim 10. Because of the amendments to claim 6, Ikebuchi does not anticipate it, which also means that Ikebuchi does not anticipate dependent claim 12. Furthermore, Usuki does not remedy the deficiencies of Ikebuchi. Usuki only offers a learning correction routine for the initial duty ratio according to a difference between a target input speed change rate and a real input speed change rate (FIG. 17, col. 13, line 19 – col. 15, line 59). As such, Ikebuchi and Usuki, alone or in combination, do not teach each

and every limitation of the claim 12. Therefore, Applicants respectfully request withdrawal of this rejection.

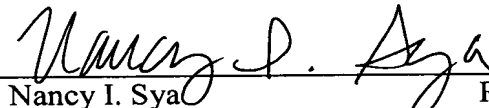
CONCLUSION

In view of the foregoing amendments and remarks, it is believed that the application as a whole is in form for allowance. Should the Examiner have any continuing objections, the Applicants respectfully ask the Examiner to contact the undersigned at 415-442-1106 in order to expedite allowance of the case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060944-0130).

Respectfully submitted,

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